

Remarks

All pending claims have been rejected as being obvious over Savoie (6,571,051) in view of Baedle (6842897).

Claim 1 – A Server. Claim 1 recites a server programmed to transmit an image editing program and a lower resolution proxy of a higher resolution image to a client. The image editing program includes programming to generate a batch of commands corresponding to edits made on the proxy.

Claim 11 – A Client. Claim 11 as amended recites a network client programmed to receive from a server a lower resolution proxy of a higher resolution image and an image editing program, execute the image editing program to perform image edits on the lower resolution proxy, generate commands corresponding to edits made on the proxy, and upload the commands to the server as a batch.

The Office acknowledges that Savoie does not teach any kind of server/client relationship. Rather, Savoie teaches a conventional video image editing system in which edit decisions for compressed (i.e., lower definition) video images are made on the so-called "off-line" computer 102 shown in Fig. 1 of Savoie. Computer 102 is not networked to a server. Computer 102 is a stand alone computer as shown in Fig. 1 and described in the accompanying text. Computer 102 is pre-programmed with the image editing program – there is no server programmed to transmit an image editing program to computer 102, as recited in Claim 1. Video images are supplied to computer 102 through a tape recorder 101 – there is no server programmed to transmit video images to computer 102, as recited in Claim 1. See Savoie, column 3, lines 18-54. The edit list generated with the lower definition video images is saved to a floppy disk and manually transferred to a so-called "on-line" suite for full resolution image editing. Savoie, column 3, lines 51-54 and column 5, lines 19-25.

Savoie fails to teach or suggest two key claim limitations: a server programmed to transmit (1) an image editing program and (2) a lower resolution proxy of a higher resolution image to a client (Claim 1); a network client programmed to receive from a server (1) a lower resolution proxy of a higher resolution image and (2) an image editing program and then execute the image editing program to perform image edits on the

lower resolution proxy (amended Claim 11). The Office asserts that Baedle supplies the missing claim limitations. This assertion is not correct.

So far as is relevant to the claimed invention, Baedle stands for the unremarkable proposition that it was known in the art to transmit programming from a server to a client. Baedle, column 4, lines 3-10. Baedle, however, does not render obvious any and all such server/client communications. To establish a *prima facie* case of obviousness, the Office must show that the combination of references is properly motivated and, if so, that the combination teaches or suggests all claim limitations. Baedle is directed to a mechanism for modifying or viewing the value of a class path for a Java virtual machine that is used with a web browser. Baedle, Abstract and column 5, lines 54-57. Baedle is totally unrelated to image editing (on-line or otherwise). More specifically, Baedle does not teach a server programmed to transmit (1) an image editing program and (2) a lower resolution proxy of a higher resolution image to a client (Claim 1); a network client programmed to receive from a server (1) a lower resolution proxy of a higher resolution image and (2) an image editing program and then execute the image editing program to perform image edits on the lower resolution proxy (amended Claim 11). The combination of Savoie and Baedle does not teach or suggest all of the limitations of Claims 1 and 11 and the Office, therefore, has failed to establish a *prima facie* of obviousness as to these claims.

The Office has also failed to establish a proper motivation to combine Savoie and Baedle. The Office argues the combination is motivated "because it will reduce the need to installing [sic] the edit programs on the client's system and enhances the resource of edit programs run in the client's computer by linking a plurality of stand-alone systems (Baedle, column 4, lines 16-10 [sic])." Office Action, page 3. This two part motivation is not sufficient to support the rejection for two reasons. First, part one simply states the obvious benefit of downloading a program from a server to a client — by downloading the edit program from the server, the program does not have to be installed manually on the client. If this were sufficient motivation, Baedle could be combined with any other reference to render obvious all server/client communications. Of course, such an expansive obviousness determination is inappropriate.

Second, part two is not relevant to the claimed invention, nor is it supported by the cited passage in Baedle. Column 4, lines 6-10 in Baedle does not say anything about enhancing edit programs (or any other programming) on a client by linking the client to a plurality of stand-alone systems. More importantly, linking stand alone systems is irrelevant to the claimed invention. The key link is between the server and a client. The fact that there may be multiple clients linked to the server has no relevance to the client running the edit program. That is to say, there is nothing about linking multiple stand-alone systems that suggests or motivates combining the stand-alone system of Savoie with a client/server relationship taught by Baedle, even if it is assumed the two references together somehow teach all of the limitations in Claims 1 and 11.

The Office carries the burden of making specific *factual* findings based on objective evidence of some motivation to combine references disclosed in the references themselves or in the knowledge generally available to those having ordinary skill in the art. For the reasons noted above, the Office has not, as yet, made the required showing. The rejections of Claims 1 and 11 and their respective dependent claims should be withdrawn. Claims 8 and 24 and 13 and 22 are means plus function and method counterparts to the server and client of Claims 1 and 11, respectively. For these same reasons, the rejection of Claims 8 and 24 and 13 and 22 and their respective dependent claims should also be withdrawn.

A similar analysis applies to Claims 14-21. Claim 14, for example, recites a client for requesting a digital image to edit and a server for sending a proxy image to the client in response to the client request. Savoie does not teach or suggest this client/server relationship. As noted above, the generalized client/server relationship taught by Baedle cannot reasonably be deemed to suggest the specific relationship recited in Claim 14. Claim 15 recites an image editing program for generating a batch of commands corresponding to edits on an image and uploading the commands as a batch on a network after the image has been edited. There is nothing in either Savoie or Baedle that teaches or even suggests the claimed image editing program.

The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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